

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No: 09/742,523
Filed: December 20, 2000
Inventor(s):
Steven W. Rogers and Jason S. King

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Examiner: Ke, Peng
Group/Art Unit: 2174
Atty. Dkt. No: 5150-38200

Title: System and Method for
Accessing Registers of a
Hardware Device in a
Graphical Program

COMMENTS REGARDING PATENT TERM ADJUSTMENT CALCULATION

Dear Sir or Madam:

THIS LETTER IS NOT AN APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705. RATHER, THESE COMMENTS ARE PROVIDED TO INDICATE THAT THE APPLICANT BELIEVES THE PATENT TERM ADJUSTMENT APPEARING ON THE NOTICE OF ALLOWANCE MAY BE LONGER THAN APPROPRIATE. ACCORDINGLY, FEES ASSOCIATED WITH THIS LETTER ARE NOT BELIEVED NECESSARY AND ARE NOT AUTHORIZED. FURTHER, THIS SUBMISSION DOES NOT CONSTITUTE A SUBMISSION WITHIN THE MEANING OF 37 C.F.R. § 1.704(c). THEREFORE, NO TERM EXTENSION REDUCTIONS ARE APPLICABLE TO THIS SUBMISSION.

Pursuant to Applicant's general obligation of candor and good faith in practice before the Patent and Trademark Office, and Applicant's duty to disclose what are believed may be errors in the calculation of the Patent Term Adjustment by the Office, Applicant submits this letter in order to indicate the Patent Term Adjustment as indicated on the Notice of Allowance for the above referenced patent application may be longer than appropriate.

Applicant submits this letter in accordance with the following direction provided by the Office in its comments regarding possible errors in calculation of the Patent Term Adjustment:

A registered practitioner is under a general obligation of candor and good faith in practice before the Office. . . . [A] practitioner signing the PTOL-85B does so pursuant to § 10.18, which means, for example, . . . that the patent term adjustment is correct to the best of his or her knowledge, information and belief, formed after an inquiry reasonable under the circumstances. . . . In order to comply with this duty and where the correct adjustment is thought to be less than indicated by the Office, an application for term adjustment under § 1.705(b) need not be filed. Instead, a letter could be filed with the issue fee payment, indicating that the term adjustment is thought to be longer than appropriate. (emphasis added).

Changes To Implement Patent Term Adjustment Under Twenty-Year Patent Term; Final Rule, 65 Fed. Reg. 56366, 56387 (September 18, 2000) (Office's response to comments) (Final Rule codified at 37 C.F.R. pt. 1).

Respectfully submitted,



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